

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JERRY RAYY SHARPS,

Plaintiff,  
vs.

Case No.: 1:23-cv-84  
HON:

KARL AMOS WEAVER,

Defendant.

ELIAS MUAWAD (P41632)  
Law Offices of Elias Muawad, P.C.  
Attorney for Plaintiff  
40700 Woodward Ave., Suite 305  
Bloomfield Hills, MI 48304  
(248) 594-4700/fax: (248) 594-4701  
[elias@muawadpc.com](mailto:elias@muawadpc.com)

TARA S. CANNATELLA (P67532)  
HUTCHINSON CANNATELLA, P.C.  
Attorneys for Defendant  
1001 Woodward Ave., Suite 900  
Detroit, MI 48226  
(313) 963-1860/Fax: 963-9065  
[tcannatella@mhutchlaw.com](mailto:tcannatella@mhutchlaw.com)

**NOTICE OF REMOVAL BASED UPON  
DIVERSITY OF CITIZENSHIP**

**NOW COMES** the Defendant, **KARL AMOS WEAVER**, by and through his Attorneys, **HUTCHINSON CANNATELLA P.C.**, and removes this action from the Calhoun County Circuit Court, State of Michigan, to the United States District Court for the Western District of Michigan, Southern Division, and in support thereof state:

1. Plaintiff filed his Complaint on or about December 9, 2022 and claims that he was seriously injured in a motor vehicle accident that occurred on June 19, 2020.
2. According to Plaintiff's Complaint, Plaintiff suffered a serious impairment of an important body function and economic damages that exceed the jurisdictional limit of this Court, including:
  - a. Severe shock;

- b. Physical and mental pain;
- c. Wage loss and allowable expenses in excess of the daily, monthly and three-year limitation contained in MCL 500.3107.

3. It is also Defendant's understanding that Plaintiff's workers compensation carrier is asserting a lien in this matter of at least \$70,783.81.

4. Plaintiff served a copy of his Complaint upon Defendant Sharp on or about January 6, 2023. A copy of the Plaintiff's Complaint is attached hereto as Exhibit A and incorporated herein by reference.

5. Plaintiff, at this time and at the time of the filing of his Complaint, claims to be a citizen of the State of Ohio.

6. Defendant Karl Weaver was at the time of the filing of the Complaint and is now a citizen of the State of Michigan.

7. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. This Court has original jurisdiction under 28 USC Section 1332(a)(1) because this is an action between citizens of different states and based upon Plaintiff's claimed damages, the matter in controversy exceeds \$75,000, exclusive of interest and costs.

9. A copy of this Notice of Removal is being simultaneously filed with the Calhoun County Circuit Court, State of Michigan, as required by 28 USC Section 1446(d).

10. Defendant is entitled to remove this action to this Honorable Court under 28 USC Section 1441.

**HUTCHINSON CANNATELLA P.C.**

By /s/ Tara S. Cannatella

**TARA S. CANNATELLA (P67532)**

Attorney for Defendant

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Dated: January 20, 2023

HUTCHINSON CANNATELLA P.C.  
1001 WOODWARD, SUITE 900 □ DETROIT MICHIGAN 48226 □ (313) 963-1860

**CERTIFICATE OF SERVICE**

Samantha L. Riddle being first duly sworn, deposes and says that on January 23<sup>rd</sup>, 2023 she served a copy of Notice of Removal via email upon the following:

**ELIAS MUAWAD (P41632)**  
**Law Offices of Elias Muawad, P.C.**  
**Attorney for Plaintiff**  
**40700 Woodward Ave., Suite 305**  
**Bloomfield Hills, MI 48304**  
**(248) 594-4700/fax: (248) 594-4701**  
**[elias@muawadpc.com](mailto:elias@muawadpc.com)**

I declare the above statements are true to the best of my knowledge, information and belief.

By Samantha L. Riddle  
**SAMANTHA L. RIDDLE**

Ntc of Removal 01-20-23

HUTCHINSON CANNATELLA PC  
1001 WOODWARD, SUITE 900 □ DETROIT MICHIGAN 48226 □ (313) 963-1860

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# EXHIBIT A

**JOHN HALLACY**

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF CALHOUN

JERRY RAYY SHARPS,

Plaintiff,

vs.

KARL ALMOS WEAVER,

Defendant,

Case No.: 2022- 3284NI  
Hon.

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ELIAS MUAWAD (P41632)  
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**PLAINTIFFS COMPLAINT**

There is no other pending Civil Action arising out of the transaction or occurrence alleged in the following Complaint.

/s/ Elias Muawad  
Elias Muawad (P41632)

NOW COMES, the above-named Plaintiff, JERRY RAYY SHARPS, by and through his attorney, ELIAS MUAWAD, and in Complaint against the above-named Defendant, states as follows:

**PARTIES AND JURISDICTION**

1. At all times relevant herein, Plaintiff, JERRY RAYY SHARPS, was a resident of the City of Archgold, County of Fulton, State of Ohio, but also does business in Calhoun County, State of Michigan.

2. Upon further information and belief, Defendant, KARL AMOS WEAVER, was a resident of the County of Eaton, State of Michigan.
3. That the amount in controversy exceeds \$25,000.00.

#### **OWNERSHIP AND OPERATION OF VEHICLES**

4. On or about, June 19, 2020, Plaintiff, JERRY RAYY SHARPS, was the driver of a 2018, International Harvester Semi Truck.
5. On that date, Defendant, KARL ALMOS WEAVER, was the operator of a 2000 Ford, F250, License Plate No. BC29218, Vin # 1FTNX20F8YEB08446.

#### **FACTUAL ALLIGATIONS**

6. On or about, June 19, 2020, Plaintiff was driving Westbound on I-94, when Defendant, KARL ALMOS WEAVER, lost control of his cargo while his trailer to roll over and dump large drain pipes causing Plaintiff, JERRY RAYY SHARPS, to strike and collide the pipes.

#### **COUNT II NEGLIGENCE OF DEFENDANT DRIVER**

7. Defendant, KARL ALMOS WEAVER, owed a duty to Plaintiff, JERRY RAYY SHARPS, to drive with due care and caution to obey the statutes of the State of Michigan then and there applicable to the operation of a motor vehicle and to obey the common law of the State of Michigan applicable to said statutes.
8. Defendant, KARL ALMOS WEAVER, breached these duties as follows;
  - a. Failure to secure his load of pipes'
  - b. Failing to refrain from careless and negligent driving in violation of *MCLA* 257.626 (b)

- c. Operating a motor vehicle without making reasonable or proper observations and without drawing reasonable and proper conclusions, that were necessary at the time so as to reduce the speed of said vehicle as approached other vehicles in particular the Plaintiff lawfully traveling on said thoroughfare;
- d. In violation of any and other duties that become known and available upon further discovery.

#### DAMAGES

- 9. That as a direct and proximate result of the negligent and/or grossly negligent acts and/or omissions of the Defendant, KARL ALMOS WEAVER, Plaintiff, JERRY RAYY SHARPS, sustained bodily injuries.
- 10. As a direct and proximate result of Defendant, KARL ALMOS WEAVER's, negligence afore described, Plaintiff, JERRY RAYY SHARPS, was caused to suffer sever shock as well as physical and mental pain as a result of being thrown about the interior of said vehicle, all of which caused injuries and damages to various parts of Plaintiff, JERRY RAYY SHARP's, body, or in the alternative, or in addition, an aggravation of a pre-existing condition and/or in addition, or in alternative, injuries to latent or unknown pre-existing conditions.
- 11. Plaintiff, JERRY RAYY SHARPS, alleges all of the foregoing injuries, loss and conditions are painful, humiliating and continuing.
- 12. As a direct and proximate result of Defendant, KARL ALMOS WEAVER's, negligence, Plaintiff will be forced in the future to undergo medical treatment and has incurred hospital, medical and drug expenses, and lost of wages and will incur, hospital, medical and drug expenses and loss of wages in the future.
- 13. Plaintiff, JERRY RAYY SHARP, social life and recreational like were and will be in the future permanently reduced.



WHEREFORE, Plaintiff, JERRY RAYY SHARPS, demands judgement against Defendant, KARL ALMOS WEAVER, in whatever amount she is found to be entitled that is in excess of Twenty-five Thousand (\$25,000.00) Dollard, together with costs, interest, attorney fees and any other remedy that Court deems just and proper.

**COUNT II**  
**CLAIM FOR TORT LIABILITY**  
*Arising under MCLA 500.3135(2)(C) for Allowable Expenses and Work*  
*Loss in Excess of the Daily, Monthly and Three-Year Limitations*  
*Contained in MCLA 500.3107 Through MCLA 500.3110*

14. Plaintiff, JERRY RAYY SHARPS, repeats and realleges paragraph 1 through 4 of Plaintiff's Amended Complaint as though fully restated herein.
15. As a result of the injuries suffered in the automobile collision as alleged in the this Amended Complaint, Plaintiff, JERRY RAYY SHARPS has suffered a work loss consisting of loss of income from work would have performed the first three years after the date of the accident if had not been injured, in excess of the daily and monthly limitation contained *MCLA 500.3107* and will continue to suffer future loss of income from work would have been performed in excess of the three year limitation contained in the above referenced sections, and expenses for ordinary and necessary services.
16. Plaintiff, JERRY RAYY SHARPS, suffered damages for allowable expenses as contained and defined in *MCLS 500.3107(a)* in excess of the daily, monthly and three-year limitation contained in those sections.

WHEREFORE, Plaintiff, JERRY RAYY SHARPS, demands a judgement against

Defendant, KARL ALMOS WEAVER, in whatever amount she is found to be entitled that is in excess of Twenty-five Thousand (\$25,000.00) Dollars, together with costs, interest, attorney fees and any other remedy the Court deems just and proper.

Respectfully Submitted.

A handwritten signature in black ink, appearing to read 'E. Muawad', is written over a horizontal line.

ELIAS MUAWAD (P41632)

Attorney for Plaintiff

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[Elias@Muawadpc.com](mailto:Elias@Muawadpc.com)

Dated: December 7, 2022